

DECLARATION

Improvement Res. No. 1010-1959

For the Condemnation of right of way for  
street purposes of part of Tract "A"  
which is a part of Lot No. 7 in Godfrey's  
Partition of Outlots.

Resolution Adopted:

Oct. 15, 1959

Confirmed:

Nov. 9, 1959

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Report Completed:

Assessment Roll Confirmed:

Dec. 16, 1959



Digitized by the Internet Archive  
in 2016

## DECLARATORY RESOLUTION NO. 1010-1959

For the Condemnation of right of way for street purposes of part of Tract "A" which is a part of Lot No. 7 in Godfrey's Partition of Outlots.

## PLANS ORDERED:

ADOPTED: Oct. 15, 1959

ADVERTISE NOTICE TO PROPERTY OWNERS: Oct. 21 & 28, 1959

HEARING ON CONFIRMATION: Mon., Nov. 9, 1959, 6:30 p.m. IST.

CONFIRMED: Mon., Nov. 9, 1959, 6:30 p.m. IST

ASSESSMENT ROLL ORDERED: Nov. 9, 1959

ASSESSMENT ROLL APPROVED: Nov. 30, 1959

## HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Mon., Dec. 14, 1959, 6:30 p.m. IST.

NOTICES SERVED: Dec. 3, 1959

Final Assmt. Roll Ordered. Dec. 14, 1959

ASSESSMENT ROLL CONFIRMED: Dec. 16, 1959



For the ~~Vacation Opening~~ Condemnation of right of way for ~~utility purposes~~ street purposes of part of Tract "A" which is a part of Lot No. 7 in Godfrey's Partition of Outlots.

NOTE - Tract "A", as used in this resolution, refers to a survey made by C. Ross Lindemuth on February 9, 1948 and recorded in Plat Book 18, Page 113, in the office of the Allen County Recorder.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to ~~condemn right-of-way for street purposes~~ from part of Tract "A", which is a part of Lot No. 7 in Godfrey's Partition of Outlots, said right-of-way more particularly described as follows:

(See attached sheet)

All as shown by a plan of such proposed ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ street purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana. The condemnation of ~~right-of-way~~ <sup>street</sup> is to be made by condemning and appropriating for street purposes the part of Tract "A" which is a part of Lot No. 7, Godfrey's Partition of Outlots, as described above.

The cost of said ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ street purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation Opening~~ <sup>street</sup> Condemnation of right of way for ~~utility~~ purposes is described as follows: Tract "A" which is a part of Lot No. 7 in Godfrey's Partition of Outlots in the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described ~~condemnation of right-of-way for street purposes~~ are situated in the southwest quarter of Section, Twenty-six and the northwest quarter of Section Thirty-five, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 11 DAY OF 1959

Attest:

Secretary Board of Public Works.

Board of Public Works.

17

Beginning at a point on the west line of Tract "A", said point being located 25.0 feet north of the southwest corner of said Tract "A"; thence north along the westerly line of Tract "A" a distance of 22.5 feet; thence northeasterly along a curve of  $10^{\circ}-00'$  and intersection angle of  $19^{\circ}-45'-30''$  left, following parallel to and 25.0 feet north of the north edge of the proposed pavement curve on the Lower Huntington Road, a distance of 74.0 feet; thence continuing northeasterly 25.0 feet north of and parallel to the above mentioned north pavement edge, on a tangent to the above described curve a distance of 50.0 feet; thence continuing northeasterly 25.0 feet north of and parallel to the above mentioned north pavement edge on a curve of  $10^{\circ}-00'$  and intersection angle of  $39^{\circ}-31'$  left said curve being parallel to and 54.0 feet north of the surveyed center line of the new pavement curve on the Lower Huntington Road a distance of 50.0 feet; thence continuing northeasterly a distance of 40.0 feet more or less, to intersect the west right-of-way line of the Winchester Road at a point 67.0 feet northwesterly from the intersection of the proposed surveyed center line of the new Lower Huntington Road pavement and the westerly right-of-way line of the Winchester road; thence southeasterly along the westerly right-of-way line of the Winchester Road a distance of 129.0 feet to intersect the north right-of-way line of the Lower Huntington Road; thence west along the north right-of-way of the Lower Huntington Road a distance of 263.0 feet, more or less, containing 0.322 acres of land, more or less. ++



195

202.5

292.9

J.A. & M.M. YOUNG

RD. 1117

132

218

129

268

PROPOSED R/W

EXISTING R/W

RD

HUNTINGTON

CIDER



FRONTAGE TO BE CONSIDERED FOR  
STREET PURPOSES

107-11

FLUE LINING

UNIFILTER TILE

WALL COPING

**NATCO**



**CLAY PIPE**

DRAIN TILE

FIRE CLAY

FIRE BRICK

*John Cooper*

J. A. Young Stipulations

2 Driveways constructed without expense to them as shown on the plan - south side of Lower Huntington Road, west side of Winchester Road.

The right to construct two driveways on the north side of Lower Huntington Road - one on the west side of Winchester Road - one on the south side of Winchester Road.  
Commercial driveways.

Assurance that the old road right-of-way not needed for the new one will be theirs.

\$4500.00 cash.

**NATCO CLAY PIPE DIVISION**

Sales Office and Factory

**BRAZIL, INDIANA—Phone BRAZIL 2347**

Service also through District Offices

**CHICAGO . . . . 205 West Wacker Drive—Phone Franklin 2-5754**

**DETROIT . . . . 2842 W. Grand Boulevard—Phone Trinity 3-0310**

**NATCO CORPORATION—GENERAL OFFICES—PITTSBURGH 22, PA.**



2-10-61 with  
Kms  
Jan 10/0

January 11, 1961

Jerome J. O'Dowd  
City Attorney  
503 Fort Wayne Bank Bldg.  
Fort Wayne, Indiana

Dear Jerry:

The Allen Superior Court has handed down its decision in regards to the condemnation of the real estate of Jefferson Young. This real estate is located at the intersection of the Lower Huntington Road and the Winchester Road and was condemned as part of the right-of-way for the new Stellhorn Bridge. The City appraisers appraised the land at \$1,500.00 and this was tendered to Mr. and Mrs. Young but they refused the tender and filed an appeal in the Superior Court asking for \$10,000.00 as damages.

This matter was tried to the Court last fall and yesterday the Court called me and gave me its decision. The Court has allowed Mr. and Mrs. Young, as damages of taking by the City, the amount of \$2,500.00, plus costs in the amount of \$14.25. Therefore, the Board of Works should issue this check payable to the Clerk of Superior Court and forward it to my office so that I can pay this judgment and costs in full.

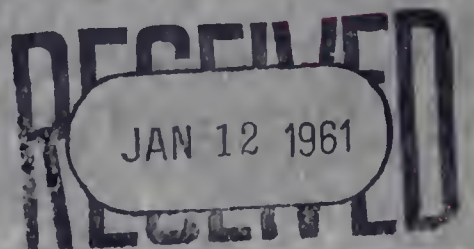
We called as witnesses for the City Hamilton Hunter, Vern Mitchell, Sr. and Kenneth Zent and each of them were a full day in Court testifying for the City, for which each is entitled to \$50.00 as an expert witness fee. Would you be kind enough to see that checks are issued for each of these three witnesses.

Very truly yours,

ROBERT L. HINES  
Associate City Attorney

*above charges  
were paid  
Kms*

RLH:pan





the best knowledge and belief of this affiant the said described  
check now is.

William K. Kach

Subscribed and sworn to before me, this 30 day of

December, 1959.

Lucella McGuire  
Notary Public

My Commission expires:

February 4, 1961



STATE OF INDIANA     )  
                              )  
COUNTY OF ALLEN     )     SS:

AFFIDAVIT

William Karbach, being duly sworn upon his oath, deposes and says that he is employed by the City of Fort Wayne, Indiana, an Indiana municipal corporation, as an inspector attached to the Board of Public Works of said City.

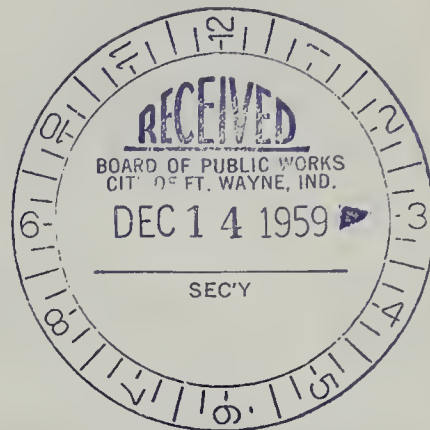
Affiant further says that upon direction by the members of the Board of Public Works of the City of Fort Wayne, Indiana, he did on December 23, 1959, proceed to 507 Lower Huntington Road, Allen County, Indiana, which address is the last usual place of residence of Jefferson A. Young and Mildred M. Young, owners of property condemned under Declaratory Resolution 1010-1959 of the Board of Public Works of the City of Fort Wayne, Indiana; that at the said address affiant offered to Mildred M. Young check No. G 8402 of the City of Fort Wayne, Indiana, in the amount of \$1,500.00 in payment of damages found under said declaratory resolution but said Mildred M. Young refused to accept the check.

Affiant further says that on December 24, 1959, he also proceeded to the Bus Terminal, 223 West Jefferson Street, Fort Wayne, Allen County, Indiana, upon the direction of the members of the Board of Public Works of the City of Fort Wayne, Indiana, which was the place of employment of Jefferson A. Young, and offered the \$1,500.00 check to said Jefferson A. Young, who also refused to accept same.

Affiant further says that after the refusal of tender of check No. G 8402, as herein stated, he returned to the office of the Board of Public Works of the City of Fort Wayne, Indiana, at which place he returned said check and in which office to



REMONSTRANCE  
AGAINST  
IMPROVEMENT DECLARATORY RESOLUTION  
NO. 1010-1959



To the Board of Public Works  
of the City of Fort Wayne,  
Indiana

Jefferson A. Young and Mildred M. Young, husband and wife, being the owners of the real estate described in said Resolution as:

Tract "A", a part of Lot No. 7 in  
Godfrey's Partition of Outlots,

and which real estate is more exactly described as follows:

Beginning at a point on the west line of Tract "A", said point being located 25.0 feet north of the southwest corner of said Tract "A"; thence north along the westerly line of Tract "A" a distance of 22.5 feet; thence northeasterly along a curve of  $10^{\circ}-00'$  and intersection angle of  $19^{\circ}-45'-30''$  left, following parallel to and 25.0 feet north of the north edge of the proposed pavement curve on the Lower Huntington Road, a distance of 74.0 feet; thence continuing northeasterly 25.0 feet north of and parallel to the above mentioned north pavement edge, on a tangent to the above described curve a distance of 50.0 feet; thence continuing northeasterly 25.0 feet north of and parallel to the above mentioned north pavement edge on a curve of  $10^{\circ}-00'$  and intersection angle of  $39^{\circ}-31'$  left said curve being parallel to and 54.0 feet north of the surveyed center line of the new pavement curve on the Lower Huntington Road a distance of 50.0 feet; thence continuing northeasterly a distance of 40.0 feet more or less, to intersect the west right-of-way line of the Winchester Road at a point 67.0 feet northwesterly from the



intersection of the proposed surveyed center line of the new Lower Huntington Road pavement and the westerly right-of-way line of the Winchester Road; thence southeasterly along the westerly right-of-way line of the Winchester Road a distance of 129.0 feet to intersect the north right-of-way line of the Lower Huntington Road; thence west along the north right-of-way of the Lower Huntington Road a distance of 263.0 feet, more or less, containing 0.322 acres of land, more or less,

and which real estate is sought to be condemned for street right-of-way purposes by said Resolution; and has, therefore, been assessed on the Assessment Roll for damages resulting from said condemnation in the amount of One Thousand Five Hundred Dollars (\$1,500.00), hereby remonstrates, protests and objects against and to said condemnation and to the assessment of damages upon each and all of the following grounds:

1. The Board of Works has proceeded arbitrarily, capriciously and illegally in making such assessment and preparing said Assessment Roll in that:

- (a) The damages assessed against Remonstrators' real estate by said Board are wholly inadequate and insufficient, and will deprive Remonstrators of their property without due process of law.

- (b) That the Board has failed to consider that the area in which Remonstrators' real estate is located has been zoned for a shopping center, and has therefore failed to take into consideration the value of

Remonstrators' property for a business use.

(c) That the Board has failed to consider that the residue of Remonstrators' land, after the said condemnation, will be insufficient for use either for business purposes or for residential purposes.

(d) That said Board has used an incorrect method in computing said damages to Remonstrators' real estate.

2. That recognized real estate appraisers have valued said property of Remonstrators sought to be condemned and have returned valuations thereon in amounts between Fifteen Thousand Dollars (\$15,000.00) and Twenty Thousand Dollars (\$20,000.00).

3. Said Board of Public Works has proceeded arbitrarily, capriciously and illegally in condemning said real estate in that:

(a) It has not made a good faith attempt to purchase said real estate from the owners thereof prior to the instigation of condemnation proceedings.

(b) It has not made a proper and thorough investigation to determine whether other routes or approaches would be more feasible or practical.

(c) Said Board has not made a proper and thorough investigation to determine the public utility of said Improvement, and whether the expenses thereof would

exceed the benefits, if any.

(d) Said Board is proceeding without proper jurisdiction of the subject matter therein.

4. Said Resolution is illegal in that:

(a) It will act to deprive the landowners of their property without due process of law in violation of Sec. 21 of Article 1 of the Constitution of the State of Indiana.

(b) Said Improvement will not be of public benefit.

(c) The expense of said Improvement will far exceed the benefits to be derived therefrom by the public.

(d) Said Resolution was passed by the Board without proper notice and hearing to the landowners.

(e) That the description of Remonstrators' property in said Resolution is too uncertain to give the proceedings taken under said Resolution any validity.

(f) That the statute under which said Resolution was passed is invalid and unconstitutional.

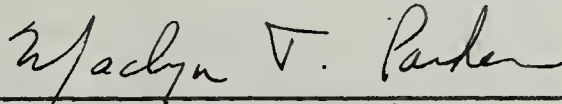
WHEREFORE, Remonstrators ask that the Board cancel, rescind and set aside said Resolution and that no further proceedings be taken to condemn the real estate described herein, or in the alternative, to modify



said Assessment Roll and to assess the damages to said real estate in an amount not less than Twenty Thousand Dollars (\$20,000.00), and for all other relief in the premises.

JEFFERSON M. YOUNG and  
MILDRED M. YOUNG

By CAMPBELL, LIVINGSTON, DILDINE  
& HAYNIE



---

(Maclyn T. Parker)

Their Attorneys

LAW OFFICES

**CAMPBELL, LIVINGSTON, DILDINE & HAYN**

LINCOLN TOWER

FORT WAYNE 2, INDIANA

STATE OF INDIANA     )  
                              )   SS:  
COUNTY OF ALLEN     )

AFFIDAVIT

William Karbach, being duly sworn upon his oath, deposes and says that he is employed by the City of Fort Wayne, Indiana, an Indiana municipal corporation, as an inspector attached to the Board of Public Works of said City.

Affiant further says that upon direction by the members of the Board of Public Works of the City of Fort Wayne, Indiana, he did on December 23, 1959, proceed to 507 Lower Huntington Road, Allen County, Indiana, which address is the last usual place of residence of Jefferson A. Young and Mildred M. Young, owners of property condemned under Declaratory Resolution 1010-1959 of the Board of Public Works of the City of Fort Wayne, Indiana; that at the said address affiant offered to Mildred M. Young check No. G 8402 of the City of Fort Wayne, Indiana, in the amount of \$1,500.00 in payment of damages found under said declaratory resolution but said Mildred M. Young refused to accept the check.

Affiant further says that on December 24, 1959, he also proceeded to the Bus Terminal, 223 West Jefferson Street, Fort Wayne, Allen County, Indiana, upon the direction of the members of the Board of Public Works of the City of Fort Wayne, Indiana, which was the place of employment of Jefferson A. Young, and offered the \$1,500.00 check to said Jefferson A. Young, who also refused to accept same.

Affiant further says that after the refusal of tender of check No. G 8402, as herein stated, he returned to the office of the Board of Public Works of the City of Fort Wayne, Indiana, at which place he returned said check and in which office to



the best knowledge and belief of this affiant the said described  
check now is.

William Kurbach

(Subscribed and sworn to before me, this 30 day of  
December, 1959.)

Louella M. Guire  
Notary Public

My Commission expires:

February 4, 1961



REMONSTRANCE  
AGAINST  
IMPROVEMENT DECLARATORY RESOLUTION  
NO. 1010-1959

To the Board of Public Works  
of the City of Fort Wayne,  
Indiana

Jefferson A. Young and Mildred M. Young, husband and wife, being the owners of the real estate described in said Resolution as:

Tract "A", a part of Lot No. 7 in  
Godfrey's Partition of Outlots,

and which real estate is more exactly described as follows:

Beginning at a point on the west line of Tract "A", said point being located 25.0 feet north of the southwest corner of said Tract "A"; thence north along the westerly line of Tract "A" a distance of 22.5 feet; thence northeasterly along a curve of  $10^{\circ}-00'$  and intersection angle of  $19^{\circ}-45'-30''$  left, following parallel to and 25.0 feet north of the north edge of the proposed pavement curve on the Lower Huntington Road, a distance of 74.0 feet; thence continuing northeasterly 25.0 feet north of and parallel to the above mentioned north pavement edge, on a tangent to the above described curve a distance of 50.0 feet; thence continuing northeasterly 25.0 feet north of and parallel to the above mentioned north pavement edge on a curve of  $10^{\circ}-00'$  and intersection angle of  $39^{\circ}-31'$  left said curve being parallel to and 54.0 feet north of the surveyed center line of the new pavement curve on the Lower Huntington Road a distance of 50.0 feet; thence continuing northeasterly a distance of 40.0 feet more or less, to intersect the west right-of-way line of the Winchester Road at a point 67.0 feet northwesterly from the



intersection of the proposed surveyed center line of the new Lower Huntington Road pavement and the westerly right-of-way line of the Winchester Road; thence southeasterly along the westerly right-of-way line of the Winchester Road a distance of 129.0 feet to intersect the north right-of-way line of the Lower Huntington Road; thence west along the north right-of-way of the Lower Huntington Road a distance of 263.0 feet, more or less, containing 0.322 acres of land, more or less,

and which real estate is sought to be condemned for street right-of-way purposes by said Resolution; and has, therefore, been assessed on the Assessment Roll for damages resulting from said condemnation in the amount of One Thousand Five Hundred Dollars (\$1,500.00), hereby remonstrates, protests and objects against and to said condemnation and to the assessment of damages upon each and all of the following grounds:

1. The Board of Works has proceeded arbitrarily, capriciously and illegally in making such assessment and preparing said Assessment Roll in that:

- (a) The damages assessed against Remonstrators' real estate by said Board are wholly inadequate and insufficient, and will deprive Remonstrators of their property without due process of law.

- (b) That the Board has failed to consider that the area in which Remonstrators' real estate is located has been zoned for a shopping center, and has therefore failed to take into consideration the value of



Remonstrators' property for a business use.

(c) That the Board has failed to consider that the residue of Remonstrators' land, after the said condemnation, will be insufficient for use either for business purposes or for residential purposes.

(d) That said Board has used an incorrect method in computing said damages to Remonstrators' real estate.

2. That recognized real estate appraisers have valued said property of Remonstrators sought to be condemned and have returned valuations thereon in amounts between Fifteen Thousand Dollars (\$15,000.00) and Twenty Thousand Dollars (\$20,000.00).

3. Said Board of Public Works has proceeded arbitrarily, capriciously and illegally in condemning said real estate in that:

(a) It has not made a good faith attempt to purchase said real estate from the owners thereof prior to the instigation of condemnation proceedings.

(b) It has not made a proper and thorough investigation to determine whether other routes or approaches would be more feasible or practical.

(c) Said Board has not made a proper and thorough investigation to determine the public utility of said Improvement, and whether the expenses thereof would



exceed the benefits, if any.

(d) Said Board is proceeding without proper jurisdiction of the subject matter therein.

4. Said Resolution is illegal in that:

(a) It will act to deprive the landowners of their property without due process of law in violation of Sec. 21 of Article 1 of the Constitution of the State of Indiana.

(b) Said Improvement will not be of public benefit.

(c) The expense of said Improvement will far exceed the benefits to be derived therefrom by the public.

(d) Said Resolution was passed by the Board without proper notice and hearing to the landowners.

(e) That the description of Remonstrators' property in said Resolution is too uncertain to give the proceedings taken under said Resolution any validity.

(f) That the statute under which said Resolution was passed is invalid and unconstitutional.

WHEREFORE, Remonstrators ask that the Board cancel, rescind and set aside said Resolution and that no further proceedings be taken to condemn the real estate described herein, or in the alternative, to modify



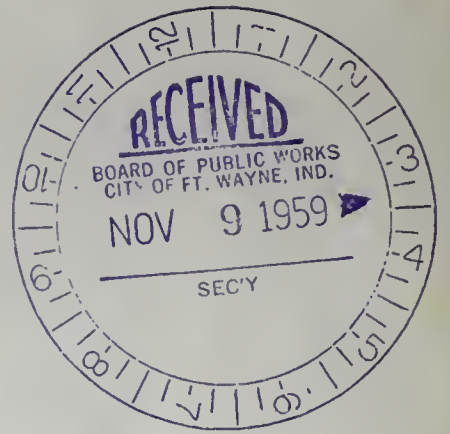
said Assessment Roll and to assess the damages to said real estate in an amount not less than Twenty Thousand Dollars (\$20,000.00), and for all other relief in the premises.

JEFFERSON M. YOUNG and  
MILDRED M. YOUNG

By CAMPBELL, LIVINGSTON, DILDINE  
& HAYNIE

Maclyn T. Parker  
(Maclyn T. Parker)

Their Attorneys



REMONSTRANCE  
AGAINST  
IMPROVEMENT DECLARATORY RESOLUTION  
NO. 1010-1959

To The Board of Public Works  
of the City of Fort Wayne,  
Indiana

Jefferson A. Young and Mildred M. Young, husband  
and wife, being the owners of the real estate described  
in said Resolution as:

Tract "A", a part of Lot No. 7 in  
Godfrey's Partition of Outlots,

and which real estate is more exactly described as follows:

Beginning at a point on the west line of  
Tract "A", said point being located 25.0  
feet north of the southwest corner of said  
Tract "A"; thence north along the westerly  
line of Tract "A" a distance of 22.5 feet;  
thence northeasterly along a curve of  
100'-00' and intersection angle of 190°-45'-  
30" left, following parallel to and 25.0  
feet north of the north edge of the proposed  
pavement curve on the Lower Huntington Road,  
a distance of 74.0 feet; thence continuing  
northeasterly 25.0 feet north of and parallel  
to the above mentioned north pavement edge, on  
a tangent to the above described curve a dis-  
tance of 50.0 feet; thence continuing north-  
easterly 25.0 feet north of and parallel to  
the above mentioned north pavement edge on a  
curve of 100'-00' and intersection angle of  
390°-31' left said curve being parallel to  
and 54.0 feet north of the surveyed center  
line of the new pavement curve on the Lower  
Huntington Road a distance of 50.0 feet;  
thence continuing northeasterly a distance  
of 40.0 feet more or less, to intersect the  
west right-of-way line of the Winchester Road  
at a point 67.0 feet northwesterly from the  
intersection of the proposed surveyed center  
line of the new Lower Huntington Road pavement  
and the westerly right-of-way line of the Winches-  
ter Road; thence southeasterly along the westerly  
right-of-way line of the Winchester Road a dis-  
tance of 129.0 feet to intersect the north  
right-of-way line of the Lower Huntington Road;  
thence west along the north right-of-way of the  
Lower Huntington Road a distance of 263.0 feet,  
more or less, containing 0.322 acres of land,  
more or less,



and which real estate is sought to be condemned for street right-of-way purposes by said Resolution, hereby remonstrates, protests and objects against and to said condemnation upon each and all of the following grounds:

1. Said Board of Public Works is proceeding arbitrarily, capriciously and illegally in condemning said real estate in that:

a) It has not made a good faith attempt to purchase said real estate from the owners thereof prior to the instigation of condemnation proceedings.

b) It has not made a proper and thorough investigation to determine whether other routes or approaches would be more feasible or practical.

c) Said Board has not made a proper and thorough investigation to determine the public utility of said Improvement, and whether the expenses thereof would exceed the benefits, if any.

d) Said Board is proceeding without proper jurisdiction of the subject matter therein.

2. Said Resolution is illegal in that:

a) It will act to deprive the landowners of their property without due process of law in violation of Sec. 21 of Article 1 of the Constitution of the State of Indiana.

b) Said Improvement will not be of public benefit.

c) The expense of said Improvement will far exceed the benefits to be derived therefrom by the public.

d) Said Resolution was passed by the Board without proper notice and hearing to the landowners.

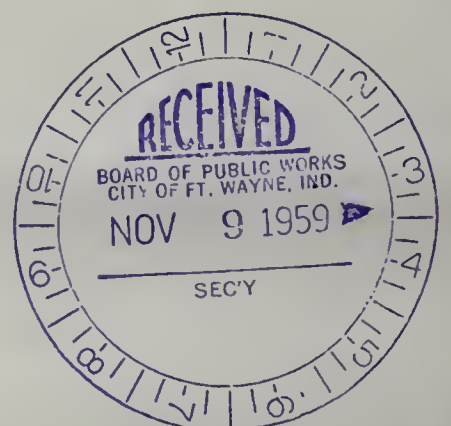
WHEREFORE, Remonstrators ask that the Board cancel, rescind and set aside said Resolution and that no further proceedings be taken to condemn the real estate described herein, and for all other relief in the premises.

JEFFERSON M. YOUNG and  
MILDRED M. YOUNG

By CAMPBELL, LIVINGSTON, DILDINE  
& HAYNIE

Maclyn T. Parker  
(Maclyn T. Parker)

Their Attorneys





# Official Appraisal

## OF THE FORT WAYNE BOARD OF REALTORS

NO. 61-59

FORT WAYNE, IND. July 7, 19 59

Board of Public Works

City Hall

Fort Wayne, Indiana

*We the undersigned, members of the Valuation Committee of The Fort Wayne Board of Realtors, have carefully considered your application for a valuation on the following described property:*

Part of Tract "A" of part of Lot #7 in Godfrey's  
Partition of Outlots, in the City of Fort Wayne,  
Allen County, Indiana.

(More particularly described on attached sheet.)

(J. A. & M. M. Young)

*and we hereby certify that we have no personal interest in the property valued herein, and that we have personally examined said premises, and in our opinion---*

*The land is worth exclusive of improvements - \$* 1,500.00

*Added value by reason of improvements thereon \$* -0-

*Total Valuation - - - - - \$* 1,500.00

(Signed)

FORT WAYNE  
BOARD OF REALTORS

BY Gene L. Dick  
PRESIDENT  
Chas. J. Fleymeyer  
SECRETARY

VALUATION COMMITTEE

BY Kenneth R. Zent  
Harold C. Hunter  
Bernie Whalen



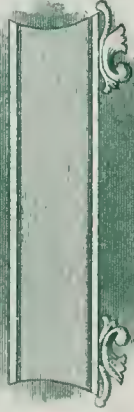
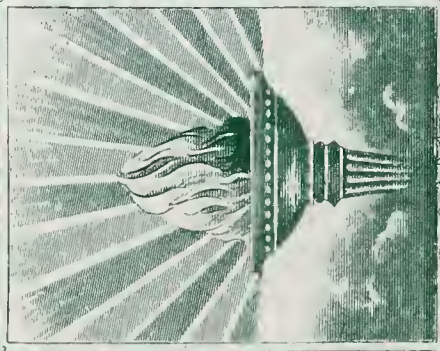


**Official Appraisal**

OF THE

**FORT WAYNE**

**BOARD OF REALTORS**





Beginning at a point on the west line of Tract "A", said point being located 25.0 feet north of the southwest corner of said Tract "A"; thence north along the westerly line of Tract "A" a distance of 22.5 feet; thence northeasterly along a curve of  $10^{\circ}-00'$  and intersection angle of  $19^{\circ}-45'-30''$  left, following parallel to and 25.0 feet north of the north edge of the proposed pavement curve on the Lower Huntington Road, a distance of 74.0 feet; thence continuing northeasterly 25.0 feet north of and parallel to the above mentioned north pavement edge, on a tangent to the above described curve a distance of 50.0 feet; thence continuing northeasterly 25.0 feet north of and parallel to the above mentioned north pavement edge on a curve of  $10^{\circ}-00'$  and intersection angle of  $39^{\circ}-31'$  left said curve being parallel to and 54.0 feet north of the surveyed center line of the new pavement curve on the Lower Huntington Road a distance of 50.0 feet; thence continuing northeasterly a distance of 40.0 feet more or less, to intersect the west right-of-way line of the Winchester Road at a point 67.0 feet northwesterly from the intersection of the proposed surveyed center line of the new Lower Huntington Road pavement and the westerly right-of-way line of the Winchester road; thence southeasterly along the westerly right-of-way line of the Winchester Road a distance of ~~129.0 feet~~ to intersect the north right-of-way line of the Lower Huntington Road; thence west along the north right-of-way of the lower Huntington Road a distance of 263.0 feet, more or less, containing 0.322 acres of land, more or less.

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

41-106-10

Date Nov. 9, 1959

To City Engineer

Subject Dec. Res. No. 1010-1959

Prepare Assessment Roll of Benefits and Damages in the amount of \$1,500.00, appraisal damages to the property.

John Cooper  
Berkeley Ward  
Orin M. Darling  
BOARD OF PUBLIC WORKS  
ic  
attach Res. & P. O. List

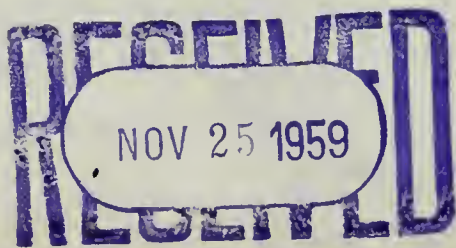
NOV 25 1959  
NOTED

Signed \_\_\_\_\_

Reply:

November 24, 1959

Assessment roll of Benefits and Damages completed and attached.

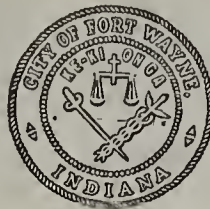


Signed DEB/is  
attachhs.

Edward Green,  
City and Administrative Engineer

SENDER: REMOVE & KEEP 2ND COPY—RECEIVER: ANSWER KEEP 3RD COPY & RETURN 1ST COPY TO SENDER.





358  
BO-~~343~~-59

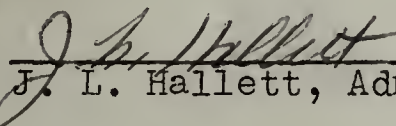
Date October 5, 1959

To City Engineer

Subject DECLARATORY RESOLUTION - Young Property (Stellhorn Bridge)

The Board, at its regular meeting of October 5, 1959, received a Declaratory Resolution for condemnation of property owned by the Young's in connection with the Stellhorn Bridge project. It was the opinion of the Board, upon your verbal recommendation, that a resolution and property description be prepared covering the property needed for the bridge approach only, and no additional property as the present description provides.

BOARD OF PUBLIC WORKS

  
J. L. Hallett, Adm. Asst.

JLH:jc  
Attach: Resolution

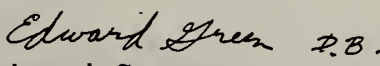
Signed \_\_\_\_\_

Reply: \_\_\_\_\_

October 8, 1959

We calculated the area of the J. A. Young property that is not within 25 feet of the proposed pavement line of the Stellhorn Bridge approaches and find that this only amounts to approximately 97 square feet. It is our opinion that this small area does not merit changing the resolution and we, therefore, recommend that you proceed with the resolution as written.

If this resolution is adopted, please contact this office for a resolution number.

  
Edward Green,  
City and Administrative Engineer

DEB/mkh  
attachs.

Signed \_\_\_\_\_

EO 358-59

December 10, 1959

CITY ENGINEER

Dec. Res. 1010-1959

Due to an error in assigning Board Orders for the above Resolution, both EO 343-59 and EO 358-59 were used. Please change all records to read EO 358-59.

BOARD OF PUBLIC WORKS

---

J. L. Hallett, Adm. Asst.

JLH:jc



# NOTICE OF IMPROVEMENT

## OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, October 23, 1959

1010

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did  
pass Improvement/<sup>Declaratory</sup> Resolution No. 1010-1959  
providing for the Condemnation of right of way for street purposes of part of Tract "A"  
which is a part of Lot No. 7 in Godfrey's Partition of Outlots.

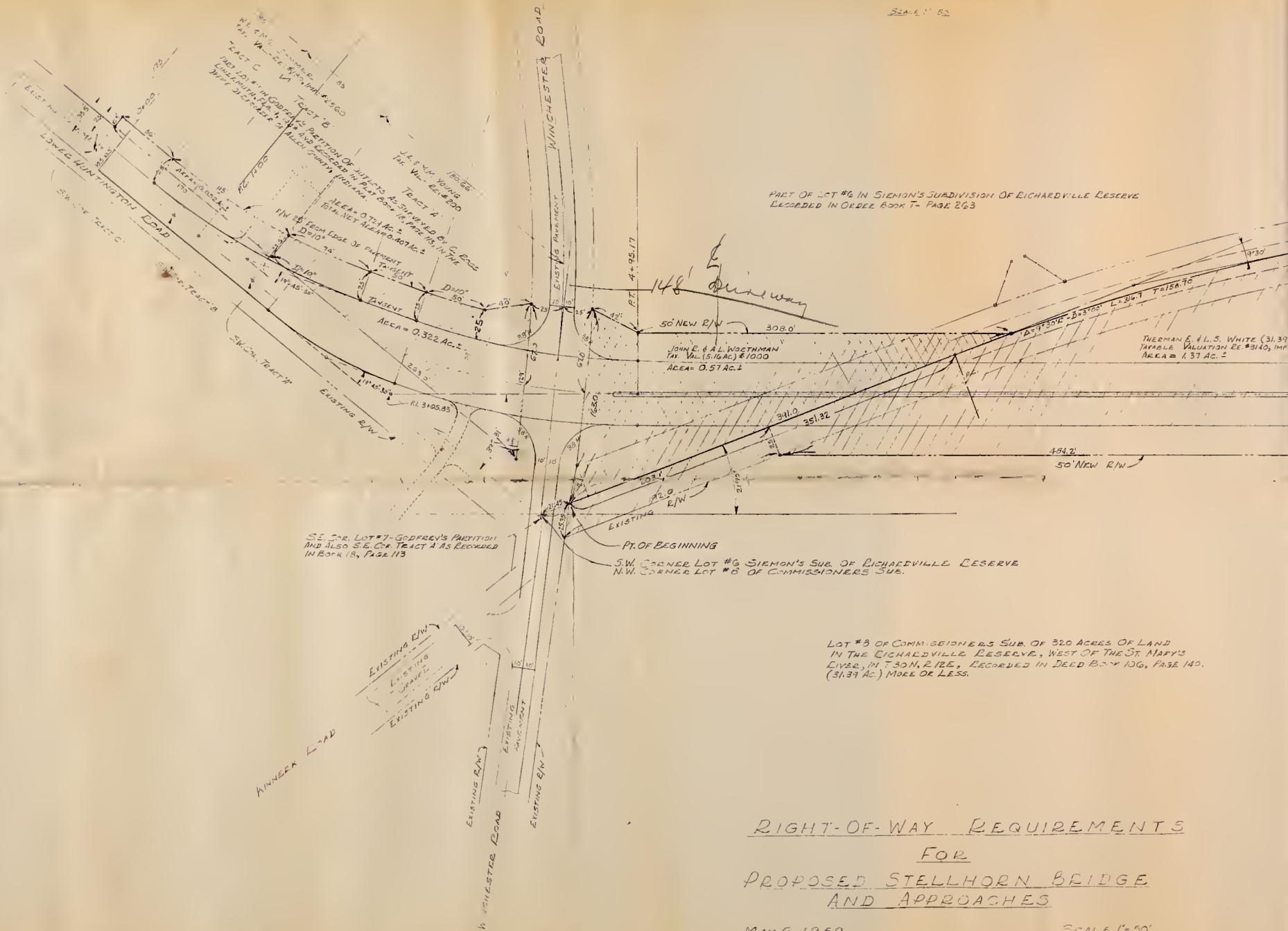
All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed Monday, November 9, 1959 - 6:30 pm IST.  
a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS



RIGHT-OF-WAY REQUIREMENTS  
FOR  
PROPOSED STELLHORN BRIDGE  
AND APPROACHES

MAY 6, 1959

SCALE 1" = 50'

PREPARED BY  
 ZULBUCH ENGINEERS  
 FORT WAYNE, INDIANA

105416



LOT #6 IN SIMON'S SUBDIVISION OF RICHARDVILLE RESERVE  
 D IN ORDER BOOK T- PAGE 263

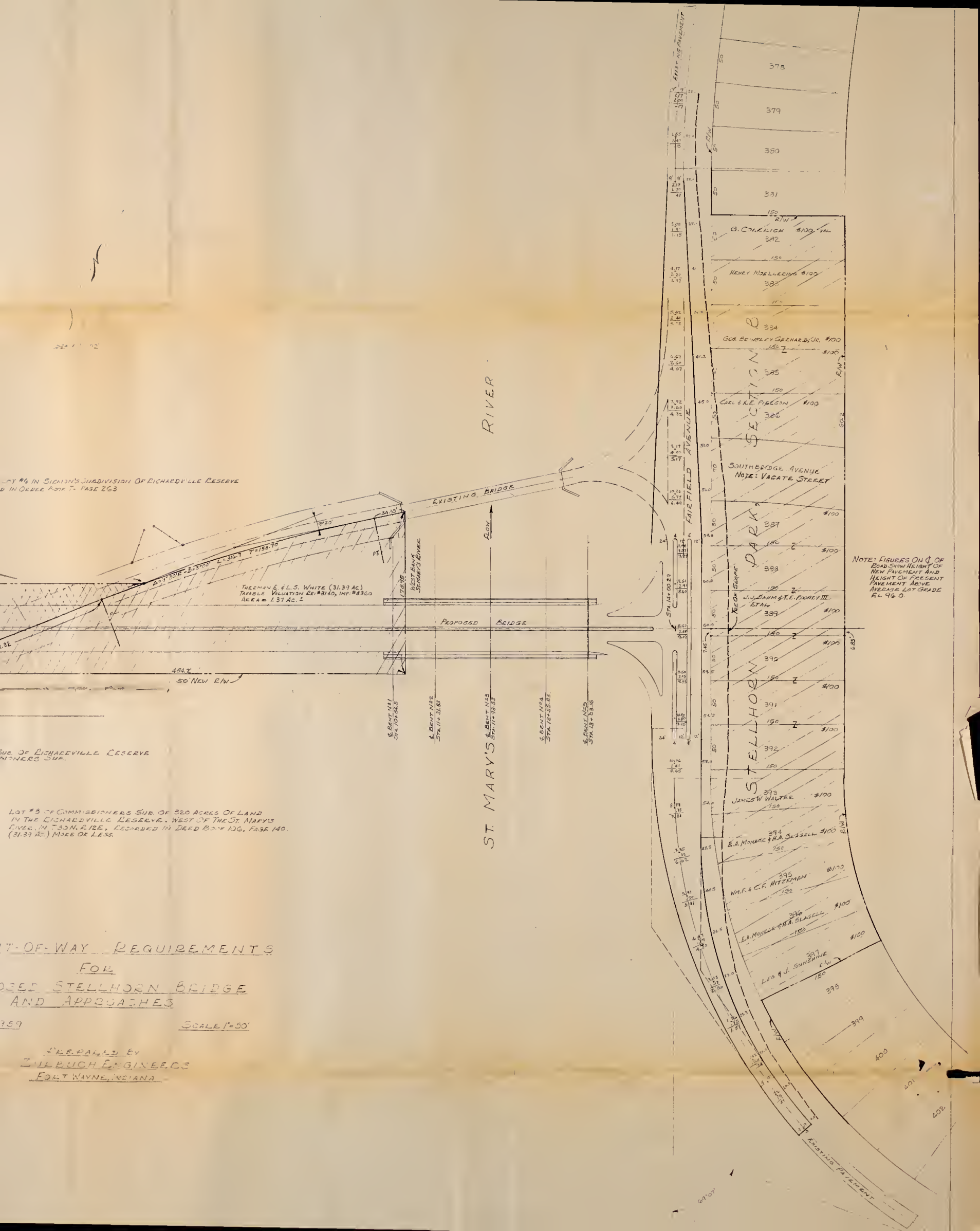
SUB. OF RICHARDVILLE RESERVE  
 OWNERS SUB.

LOT #3 OF COMMISSIONERS SUB. OF 320 ACRES OF LAND  
 IN THE RICHARDVILLE RESERVE. WEST OF THE ST. MARY'S  
 RIVER. IN TOWN RISE, RECORDED IN DEED BOOK 106, PAGE 140.  
 (31.37 AC.) MORE OR LESS.

RIGHT-OF-WAY REQUIREMENTS  
 FOR  
 PROPOSED STELLHORN BRIDGE  
 AND APPROACHES

SCALE 1"=50'

PREPARED BY  
 MILLBURN ENGINEERS  
 FORT WAYNE, INDIANA



DECLARATORY

Improvement Resolution No. <sup>1010</sup> -1959 For THE CONDEMNATION OF RIGHT OF WAY FOR STREET PURPOSES OF PART OF

TRACT "A" WHICH IS A PART OF LOT NO. 7 IN GODFREY'S PARTITION OF OUTLOTS

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	YOUNG, J. A. & M. M.	507 N. ...		7	TRACT A		GODFREY'S PARTITION OF OUTLOTS
2	CIT OF FORT W. NE	City Hall					
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
			TOTAL				

NOTICE MAILED OR SERVED

October 23, 1959

By Beryl Rehling  
W. P. O.





1010

Stallman  
Bridge